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3 **RESOLUTION APPROVING DRAFT AMENDMENTS TO THE**  
4 **TOWN OF MANTEO CORE CAMA LAND USE PLAN UPDATE 2007**  
5

6 **ARTICLE I. Purpose(s) and Authority.**  
7

8 **WHEREAS**, pursuant to N.C.G.S. § 113A-110, the Town of Manteo (the  
9 “Town”) may enact and amend a Coastal Area Management Act (“CAMA”) land use  
10 plan within its jurisdiction. Pursuant to this authority the Town has prepared and  
11 maintains the Town of Manteo Core CAMA Land Use Plan Update 2007 (the “Land Use  
12 Plan”); and  
13

14 **WHEREAS**, the Town desires to amend the Land Use Plan to clarify the Town’s  
15 policies on the development and fill of upland wetlands; and  
16

17 **WHEREAS**, the Town further finds that in accordance with the findings above it  
18 is in the interest of and not contrary to the public's health, safety, morals and general  
19 welfare for the Town to amend the Land Use Plan as stated below.  
20

21 **ARTICLE II. Construction.**  
22

23 For purposes of this proposed Land Use Plan amendment, underlined words  
24 (underline) shall be considered as additions to existing Land Use Plan language and  
25 strikethrough words (~~strikethrough~~) shall be considered deletions to existing language.  
26 Any portions of the adopted Land Use Plan which are not repeated herein, but are instead  
27 replaced by an ellipses (“...”) shall remain as they currently exist within the Land Use  
28 Plan.  
29

30 **ARTICLE III. Approval of Draft Amendment of Land Use Plan.**  
31

32 **NOW, THEREFORE, BE IT RESOLVED** by the Town Board of Commissioners  
33 of the Town of Manteo, North Carolina, that the following draft amendments to the Town  
34 of Manteo Core CAMA Land Use Plan Update 2007 are approved for submission to the  
35 Coastal Resources Commission:  
36

37 **PART I. That Part (c) ANALYSIS OF EXISTING AND EMERGING**  
38 **CONDITIONS, (2) Natural Systems Analysis and Mapping, C. Natural**

1       **Resources, I. Areas of Environmental Concern, 1. The Estuarine and**  
2       **Ocean System** of the Land Use Plan, is to be amended to read as follows:

3  
4       ...

5       The final component of the estuarine ocean system is **coastal wetlands**, which  
6       are marshes in the 20 coastal counties that regularly or occasionally flood by  
7       lunar or wind tides (whether or not the water reaches the marsh through an  
8       artificial or natural waterway) and include one or more of 10 named wetland  
9       plant species. ... The remaining wetlands on Roanoke Island are considered  
10      upland wetlands. Upland wetlands are defined as those wetlands that are  
11      federally protected from dredging and filling without a permit from the U.S.  
12      Army Corps of Engineers (Section 404 of the Clean Water Act) and a 401  
13      certification from NCDWQ. ...

14  
15   **PART II.** That **Part (d) PLAN FOR THE FUTURE, (3) Land Use Management**  
16   **Topics, V. WATER QUALITY, WQ Policy 36** of the Land Use Plan, is to  
17   be amended to read as follows:

18  
19       To improve water quality, mitigate storm hazards, and protect resources  
20       providing important biological function, no new development or filling should  
21       be allowed within upland wetlands with the exception of those upland  
22       wetlands located adjacent to and abutting coastal wetlands or sound waters  
23       which shall be allowed to have new development and fill consistent with  
24       CAMA and USACE permits. Site specific delineations of wetlands are needed  
25       due to the dynamic nature of wetland systems. This policy is more stringent  
26       than state and federal regulations. When this policy presents a threat to health,  
27       safety and welfare of the community, the Town may make an exception so  
28       long as it adheres to all other policies of the Land Use Plan. In this case,  
29       mitigation measures should be required as described in Water Quality Policy  
30       37. The following activities should be allowed in upland wetlands: hiking,  
31       walking, bird watching, stormwater interventions and educational/research  
32       activities. Impacts from the construction and maintenance of public  
33       boardwalks and pathways are allowable in accordance with CAMA  
34       regulations.

35  
36   **PART III.** That **Part (e) TOOLS FOR MANAGING DEVELOPMENT,**  
37   **Management Topics and Polices, WQ Policy 36** of the Land Use Plan, is to  
38   be amended to read as follows:

39  
40       To improve water quality, mitigate storm hazards, and protect resources  
41       providing important biological function, no new development or filling should  
42       be allowed within upland wetlands with the exception of those upland  
43       wetlands located adjacent to and abutting coastal wetlands or sound waters  
44       which shall be allowed to have new development and fill consistent with  
45       CAMA and USACE permits.

1 **ARTICLE IV. Severability.**

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3 Following final approval and certification of this Land Use Plan amendment by the  
4 Coastal Resources Commission, should a court of competent jurisdiction declare this  
5 Land Use Plan amendment or any part thereof to be invalid, such decision shall not affect  
6 the remaining provisions of this Land Use Plan amendment nor the Town of Manteo Core  
7 CAMA Land Use Plan Update 2007 which shall remain in full force and effect.  
8

9 **ARTICLE VI. Effective Date.**

10  
11 This resolution being approved on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ and the Land  
12 Use Plan amendment shall be in full force and effect from and after the final approval and  
13 certification by the Coastal Resources Commission.  
14

15 \_\_\_\_\_  
Bobby Owens, Mayor

16 ATTEST:

17 \_\_\_\_\_  
Jamie Whitley, Town Clerk

18  
19 Date adopted: \_\_\_\_\_

20 Motion to adopt by Commissioner \_\_\_\_\_

21 Motion seconded by Commissioner \_\_\_\_\_

22 Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS  
23